GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – East Godavari District- Revision Petition filed by Smt Kantheti Venkata Narasamma, W/o.Subba Raju and Sri Kantheti Srinu, S/o.Subba Raju belongs to 'Kshatriya' community (Non-ST) R/o.Yellavaram (V), Addateegala (M), East Godavari District - against the Orders of the Additional Agent to Government, East Godavari District in CMA No:5/2007, dated:3-7-2009 in respect of the land Acres 5.97 Cts in Survey No:14/1 and Acs.7.06 Cts in Survey No: 15/1 of Rajavaram (V), Addateegala Mandal, East Godavari District – Orders – Issued.

SOCIAL WELFARE (TW.LTR.2) DEPARTMENT

G.O.MS.No. 86 **Dated: 12-06-2018**

Read the following:

1. Revision Petition filed by Smt Kantheti Venkata Narasamma W/o.Subba Raju and her Son Kantheti Srinu through his counsel dt.6.10.2009.
2. Govt.Memo.No.10413/LTR-2/2009,dated.11.11.2009 addressed to the Project Officer, ITDA, Rampachodavaram, East Godavari District.
3. From the Additional Agent to Government & Project Officer, ITDA, Rampachodavaram, East Godavari District ref.CMA 5/2007, dt.17.05.2010.
4. Govt.Lr.No.10413/LTR-2/2009,dated.16.1.2013, 5.2.2018

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ORDER:

In the reference 1st read above, Smt Kantheti Venkata Narasamma, W/o.Subba Raju and Sri Kantheti Srinu, S/o.Subba Raju, both belongs to 'Kshatriya' Community (Non-ST) and R/o.Yellavaram (V), Addateegala (M) of East Godavari District, herein the Petitioners have filed Revision Petition before the Government against the orders of the Additional Agent to Government, East Godavari District in CMA No. 5 of 2007 dated.03.07.2009, wherein it is ordered to evict the non-tribal Respondents (herein the Appellants) or any other person bound by this order from the land Ac.5.97 cts in Sy.No.14/1 and Ac.7.06 cents in Sy.No.15/1 of Rajavaram (V), Addateegala Mandal of East Godavari District and restore the same to Government for onward assignment to the eligible Tribal and comply report.

2. The Revision Petition was admitted duly condoning the delay and records have been called for from the Additional Agent to Government, Rampachodavarm in the reference 2nd read above.

3. In the reference 3rd read above, the Additional Agent to Government, Rampachodavaram, East Godavari District has furnished the parawise remarks and connected case records to Government.

4. The Hon'ble High Court of A.P. in W.P No.21817/2009 in orders dt.13.10.2009, while staying the operation of the orders dated.03.07.2009, ordered to consider the dispose of the Appeal Petition filed by the Appellants.

5. In the reference 4th read above, the petitioners were called for the hearing on 1.5.2012, 10.7.2012, 30.10.2012 and finally heard on 21.1.2013 and 5.2.2018 along with written arguments and record. Accordingly, the Appellants & Counsel were attended and filed written arguments.

(P.T.O)

6. In their Revision Petition/Written arguments, the Appellants among other things have state that they are the owners of the Petition Schedule lands which were purchased by one Kantheti Venkata Surayamma, W/o.Narasimha Raju, who was the mother-in-law of the Appellant (i.e.K.Venkata Narsamma) from Sampathi Narayadu & others under Regd.Sale deed No.630/56 dated.24.04.1956. That the said P.S. land was originally belongs to Lingam Venugopal Rao, S/o. Venkanna Panthulu who was granted the land by way of Inam, who sold away the same to Kollapureddy Venkanna, S/o.Gangayya who belongs to Kapu (non-Tribe) vide Sale Deed No.254/1931, dated.25.04.1931, subsequently, the said land was sold away to one Sampathi Narayana, S/o.Bapanaiah who belongs to Madiga by Caste (Non-Tribe), vide Reg.Documents No.392/50 dated.14.04.1950. The P.S. lands are under the possession and enjoyment of the Appellants and after the expiry of Kantheti Venkata Surayamma, W/o.Narasimha Raju, her son by name Kantheti Subbaraju who was husband of the first Appellant and as well as father of the second Appellant got possession of the above said lands. It is also stated that the above transactions were held prior to APSALTR 1950 r/w 1/70. As such, the said transactions of the land will not attract the Provisions of the 1/59 r/w.1/70, the matter of which was enquired by the Special Deputy Collector(TW) , Rampachodavaram on the Petition filed by one Sri Koppapureddy Surreddi, S/o.Peda Potharaju of Yellavaram (V) and found that no transactions after 1970 have taken place and held that the Appellants proved that their lawful continuous possession and not hit by the Regulations and dropped further action in LTRP No.71/94 dated 23.02.2007.

7. Further, the Petitioners have contended that the Additional Agent to Government -cum- Project Officer, ITDA, Rampachodavaram, East Godavari District has erroneously passed the orders in LTRP No.5/2007, dated.22.03.2007, which is not correlated in LTRP No.73/2005, dated.23.02.2007 and the observations of the Lower Court about the relationship between Kantheti Venkata Surayamma and Venkata Narayanamma have not taken into consideration. That it is the settled Law, once the orders passed under the Regulation 1/59 r/w 1/70, the subsequent Proceedings under the same Regulations are liable to be illegal on the ground of RESJUDICATA and therefore the orders issued by the 1st Respondent is not tenable and hence requested to set aside the orders of the Additional Agent to Government, East Godavari District.

8. On perusal of the record made available in the file and the Written arguments, copies of documents and other material papers filed by the Appellants, it has been observed that the Petition Schedule land was in possession of the non-Tribes way back from decades and the transactions took place between non-Tribes are much prior to Regulations 1/59 read with 1/70. The said P.S. land was purchased by the ancestors of the Appellants duly considering the origin and history of the lands which was continuously in possession of non-Tribes from the inception. In his enquiry report and judgment, in LTRP No.71/1994 dated.22.06.1995, the Special Deputy Collector (TW), Rampachodavaram categorically discussed about the possession of the land thread-bare and held that the Appellants produced ample documentary evidences in support of their claim and proved their lawful continuous possession and concluded that the Appellants herein are the rightful owners an the P.S. land will not hit by LTR.

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9. In view of the above and after perusing the relevant documents an evidences, the Revision Authority has felt that the claim of the Petitioners over the P.S. land is genuine and justifiable and the Additional Agent to Government, Rampachodavaram has erroneously passed orders against the Appellants.

10. Therefore, Government after careful examination hereby set aside the orders of the Additional Agent to Government, East Godavari District in CMA No.5/2007 dated.3.07.2009 and dispose off the Revision Petition in terms of the directions of the Hon'ble High Court of A.P. in WP No.21817/2009 dated 13.10.2009 accordingly.

11. The Collector, East Godavari District/ Additional Agent to Government, Rampachodavaram, East Godavari District is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S.RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To:
The Collector, East Godavari District, Kakinada.
The Additional Agent to Government , East Godavari District with RPAD of the following records.
(Case File CMA.No.5/2007.)
The Special Deputy Collector (TW), Rampachodavaram, East Godavari District.

Copy to:
Sri Venkatesh, Advocate, Plot No.A-304, Girishka Plaza, Ramnagar, Hyderabad – 20.
Sri M.V.R. Prakash, Advocate, Main Road, Rampachodavaram, East Godavari District – 533288.
Smt Kantheti Venkata Narasamma, W/o.Subba Raju, R/o.Yellavaram (V) Addateegala (M), East Godavari District.
Sri Kantheti Srinu, S/o.Subba Raju, R/o.Yellavaram (V) Addateegala (M), East Godavari District.
The G.P for Social Welfare, High Court of A.P.Hyderabad.
The P.S to M (TW) for information/
The P.S to Principal Secretary to Government (TW)
SF/SC.

// FORWARDED:: BY ORDER //

SECTION OFFICER